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QUESTION OF THE REALIZATION OF THE RIGHT TO DEVELOPMENT

Note verbale dated 10 February 1994 from the Permanent Representative of the Federal Republic of Yugoslavia to the United Nations Office at Geneva addressed to the Chairman of the Commission on Human Rights

The Permanent Mission of the Federal Republic of Yugoslavia to the United Nations Office and other international Organizations at Geneva presents its compliments to the Chairman of the Commission on Human Rights and, with reference to its previous note No.27 of 13 January 1994, has the honour to enclose herewith, once again, a document prepared by the Government of the Federal Republic of Yugoslavia entitled "Repercussions and prospects of the Debt crisis and adjustment programmes on the effective enjoyment of human rights and, in particular, on the implementation on the Declaration on the Right of Development" with the request that it be circulated as an official document of the fiftieth session of the Commission on Human Rights under agenda item 8.

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REPERCUSSIONS AND PROSPECTS OF THE DEBT CRISIS AND ADJUSTMENT PROGRAMMES ON THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Developing countries have taken and continue to take measures aimed at correcting domestic macro-economic imbalances and eliminating structural obstacles to a faster economic growth, which, with support by international financial institutions, the IMF and the World Bank in particular, helped some developing countries achieve better economic performances. Nonetheless, most developing countries are faced with the problem of high indebtedness. This is evinced also by the fact that the overall foreign debt of developing countries has never been so high, so that, at the end of 1992, it amounted to US$ 1,419 billion*, that the prospects for eliminating the devastating effects of the debt on developmental processes in these countries continue to be uncertain and that the economic situation in some regions and groups of developing countries, in Africa in particular, is very alarming indeed. Foreign indebtedness is one of the most pressing factors which still determines the economic and social development and the standard of living in many countries, while international financial institutions do not take sufficiently into account the need for including developmental ingredients in the structural adjustment programmes and tend to ignore political and social conditions in debtor countries.

It is, therefore, quite understandable that developing countries insisted on the adoption of resolution 1993/12 which provides that the UN Commission on Human Rights considers at its 15th session "the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including: problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration the Right to Development." This request is very meaningful and fully justified. As a debtor country, the FR of Yugoslavia gives its full support to this request.

* Unless stated otherwise, the source of the statistical data used in this text is "Etude sur l'economie mondiale 1993". Nation Unies, New York 1993.

Certain progress in the realization of the international strategy for the solution of the debt problem and better economic performances of some debtor countries should not postpone or blur the task of the world community to identify the devastating effects of the debt crisis which, almost for a decade, have prevented the economic growth of many developing countries, threatening thus the basic human rights and fundamental freedoms, as well as the right of these countries to economic development.

The data that 15 most indebted developing countries recorded a negative GNP growth (-0.7 per cent) in the critical 1983/1992 period are self-illustrative. The countries of Latin America, for instance, a debtor continent par excellence, also recorded a negative (-0.1 per cent) GNP growth in the same period, which proved that they had been right when they warned that the 1980s were to be a decade lost for development.

The average capital flow from 15 most indebted developing countries in the said period through net transfer of financial resources in all areas amounted to about US$ 30 billion, while that average for Latin America stood at US$ 22.6 billion. The average annual foreign debt coefficient, i.e. the ratio between the service commitments and export earnings, in the group of 15 most indebted countries in the 1982-1988 period, stood at more than 40 per cent and fell below 30 per cent only in the 1989-1992 period, the same being true of the group of Latin American debtor countries. It is not difficult to imagine what consequences such an enormous flow of capital has had for the economic and social development of these countries and for the promotion and protection of civil, political, economic, social and human rights of their population.

The Group of 24 developing countries dealing with international monetary issues, in which Yugoslavia took an active part until it was unjustly suspended, has long established that the structural adjustment programmes of the International Monetary Fund must be inspired by the slogan "adjustment with growth." However, the burden of adjustment has fallen disproportionately on the indebted countries resulting in a substantial reverse of net transfer of resources from debtor countries as well as declines in output, employment and per capita incomes.

It has become ever more evident that the entire debt strategy within the development approach should attach priority to the implementation of human conditions, including the standard of living, health, food, education and employment of the population, especially among the most vulnerable and low-income groups.

The international community is duty-bound to set such international rules for the solution of the problem of debt of developing countries which will protect the population in debtor countries and ensure respect for their basic human rights, particularly the right to development.

The former Yugoslavia belonged to the group of 15 largest world debtors and its debt service commitments in the same period accounted for over 40 per cent of its export earnings, which was typical for the entire group of these most indebted developing countries. The disintegration of the SFR of Yugoslavia and the adoption of the UN Security Council resolutions 757 and 820, establishing sanctions against the FR of Yugoslavia, added a new and tragic dimension to the realization of human rights and the right to development in the FR of Yugoslavia. The FR of Yugoslavia was denied the right even to service its debts and thus maintain normal relations with its creditors and international financial institutions.

The consequences of the unfair sanctions imposed by the international community of the FR of Yugoslavia are disastrous. According to World Bank data, the social product in the SFR of Yugoslavia in 1990 stood at about US$ 3,000. Due to the negative economic trends and, primarily, the economic blockade, it is estimated that at the end of 1993 the per capita income in the FR of Yugoslavia will plummet between US$ 200 and 250 to the level which, according to Western standards, is below the poverty level line. Industrial production in 1992 fell by 23 per cent, while in the first half of this year it fell by further 40 per cent compared to the same period in 1992. Registered unemployment in 1992 stood at 16 per cent of the workforce, while between 35 per cent and 45 per cent of the 2.2 million of those employed in mid-1993 were on compulsory leave. In addition to their devastating effects on the economy and serious economic and social disruptions, the sanctions accounted for rampant inflation which, at the end of 1992, stood at 9,300 per cent, while at the end of 1993 it is expected to be measured by millions, perhaps even by billions. The economic blockade has had devastating effects on all economic sectors, while the situation is exceptionally dramatic in the social and humanitarian fields, i.e. with respect to ensuring normal conditions for the life of the population*. Infant mortality, as well as the mortality of the old and sick is on the increase due to the lack of basic drugs and the cold. General conditions in hospitals can be compared only to those prevalent during World War Two, while drugs, medical equipment and gas deliveries for the population, although not subject to the sanctions, encounter incomprehensible obstacles and reprehensible insouciance of the international community. The

* See also "Revised Consolidated Inter-Agency Appeal for Former Yugoslavia" of 8 October 1993 prepared by the UN Department for Humanitarian Affairs and the UNHCR.

sanctions threaten not only the right to development, but also the basic human right, the right to life.

The general trend of deteriorating living conditions in the FR of Yugoslavia is contrary to the coercive nature of the effect of the international legal norms contained in the Universal Declaration of Human Rights and Article 11, paras 1 and 2, of the International Covenant on Economic, Social and Cultural Rights recognizing "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions," as well as the fundamental right of everyone to be free from hunger. It is also contrary to Article 1 of the Declaration on the Right to Development which implies "an inalienable human right by virtue of which every human person and all peoples are entitled to participate in, contribute to, and enjoy economic, social, cultural and political development," including the full realization of the right of peoples to self-determination. This is evident proof that no collective punishment is provided to punish an entire nation. The implementation and continuation of such a collective punishment for purely political reasons is, therefore, a criminal and highly immoral act, which can be characterized as a genocide.

Just as the effect of the debt crisis on the basic human rights in developing countries have every right to be considered by the UN Commission on Human Rights, so will the condemnation of one entire people, the Serb people, to live in misery, poverty, economic marginalization and to gradual extinction by the UN sanctions sooner or later find its way to the agenda of this Commission and will be taken as a sad a glaring example of a denial of precisely those same rights the Commission purports to defend of human callousness and a slap to the reputation of the world Organization itself.

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VIOLATIONS OF HUMAN RIGHTS IN SOUTHERN AFRICA: REPORT OF THE AD HOC WORKING GROUP OF EXPERTS

Note verbale dated 11 February 1994 from the Permanent Mission of South Africa to the United Nations Office at Geneva addressed to the Secretariat

The Permanent Mission of the Republic of South Africa presents its compliments to the Secretariat of the United Nations and has the honour to refer to the latter's Note G/SO 214 (47-9) of 7 January 1994 and would be grateful if the following reply could be transmitted to Mr. Mikuin Leliel Balanda, Chairman of the Ad Hoc Working Group of Experts on southern Africa.

The Permanent Mission would further be grateful if both these communications could be circulated as documents of the current session of the Commission for Human Rights.

Dear Mr. Balanda,

I wish to acknowledge receipt, on his behalf, of your letter G/SO 214 (47-9) of 7 January 1994 addressed to the South African Minister of Foreign Affairs, Mr. R. F. Botha.

The South African Government has no objection to a visit to South Africa by the "Ad Hoc Working Group of Experts". Please take up contact with the Permanent Mission so that a mutually convenient date for such a visit can be decided upon, which will ensure that such a visit will be of maximum value both to the United Nations and to the democratization process in South Africa.

Please accept, Mr. Balanda, the assurance of my highest consideration.

(Signed) AMBASSADOR RIAAN EKSTEEN
PERMANENT REPRESENTATIVE OF THE
REPUBLIC OF SOUTH AFRICA